

Service Date: January 12, 2006

FINAL ORDER NO. 6710

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Peter Enterprises, Inc. dba)	Docket No. T-05.39.PCN
ABC Debris Removal , Manhattan, Montana,)	
Application for a Montana Intrastate Certificate of)	Order No. 6710
Public Convenience and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 15, 2005, **Peter Enterprises, Inc. dba ABC Debris Removal**, Manhattan, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D – Construction debris, between all points and places in Big Sky, Montana and a 20 mile radius thereof to a licensed disposal site.

LIMITATION: Carrier is restricted to the use of 5th wheel trailers and may have no less than 5 or more than 10 trailers.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 7, 2005. That notice said in pertinent part:

If no written protests are received by December 27, 2005, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support

3. No protests or responses of any kind were received.
4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday, the 10th day of January, 2006, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-05.39.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Peter Enterprises, Inc. dba ABC Debris Removal**, Manhattan, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D – Construction debris, between all points and places in Big Sky, Montana and a 20 mile radius thereof to a licensed disposal site.
LIMITATION: Carrier is restricted to the use of 5th wheel trailers and may have no less than 5 or more than 10 trailers.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 10th day of Januray, 2006 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GREG JERGESON, Chairman

BRAD MOLNAR, Vice Chairman

DOUG MOOD, Commissioner

ROBERT H. RANEY, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-05.39.PCN in the matter of **Peter Enterprises, Inc. dba ABC Debris Removal**, Manhattan, Montana has today been sent to all parties listed.

MAILING DATE: January 12, 2006

FOR THE COMMISSION

FIRST CLASS MAIL

Peter Enterprises, Inc.
dba ABC Debris Removal
PO Box 387
Manhattan, MT 59741

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
616 Helena Avenue
P.O. Box 201703
Helena, MT 59620-1703